

## **RECORD OF PROCEEDINGS**

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<b>CALL TO ORDER</b>	A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan, on Monday, May 26, 2009 at 7:00 p.m.
<b>ATTENDANCE</b>	Council Members present: Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia. L. Worden, Acting City Clerk.
<b>CONSENT AGENDA</b>	Belt and Walsh moved and seconded the approval of the consent agenda. Motion by Walsh second by Branigan amending the agenda to include Items 5G and 5H. Unanimous. Original vote as amended. Unanimous.
<b>PUBLIC HEARINGS</b> Resolution 09-150	Held Public Hearing regarding Resolution 09-150, authorizing disposal of City property legally described as the south ½ of Lot 5 and the north 10 feet of Lot 6, Block 2, Jackson's Addition and part of vacated Bluff Street adjacent. Branigan and Belt moved and seconded approval of Resolution 09-150. Unanimous.
Resolution 09-153	Held Public Hearing regarding Resolution 09-153, approving the Plans, Specifications and Form of Contract for the Bass Pro Shop Roof Replacement Project and authorizing the City Clerk to advertise for bids and setting bid date for June 11, 2009 at 10:00 a.m. Unanimous.
Resolution 09-157	Held Public Hearing regarding Resolution 09-157, amending the City Budget for the fiscal year ending June 30, 2009 and directing the Finance Director to file the amended budget with the proper authorities. Unanimous.
Ordinance 6030	Held Public Hearing regarding Ordinance 6030 (revised), amending Chapter 15.03 "Definitions" by adding a new Section 15.03.685 "Wind Energy Conversion System" (WECS). Schultz and Walsh moved to approve revised Ordinance. Heard from Roland Lynch, 216 Bluff Street, speaking against the wind energy systems. Bates voiced a vote in favor of the conversion systems and added banning the systems would be banning technology. Walsh added, technology at this point doesn't allow for neighborhood esthetics and is supporting the ban of any systems. Schultz concurred with Walsh' statement and mentioned studies show this area produces smaller wind volume. Branigan noted the audio and visual pollution of the systems was not conducive to the area. Belt indicated it sent a wrong message to ban the systems and would not be in support of the revised ordinance. VOICE VOTE: 3 Aye; Nay (Bates, Belt).
Ordinance 6031 Ordinance 6032	Held Public Hearing regarding Ordinance 6031, amending Chapters 15.05, 15.08A, 15.09, 15.10, 15.20, 15.21 and 15.22 to include "Wind Energy Conversion System" (WECS) as a conditional use; Ordinance 6032, amending Chapter 15.24 "Supplemental Use and Site Development Regulations" by adding a new Section 15.24.085 "Wind Energy Conversion System" (WECS) regulations and minimum standards". Walsh and Schultz moved and seconded the denial of Ordinances 6031 and 6032. Unanimous. Walsh indicated the passage of Ordinance 6031 and 6032 would allow the wind energy conversion systems.
<b>RESOLUTIONS</b> Resolution 09-151	Belt and Branigan moved and seconded approval of Resolution 09-151, authorizing the Mayor and City Clerk to execute an agreement with R.D. Blue Construction for the 10 <sup>th</sup> Avenue Reconstruction Project. Unanimous.
Resolution 09-152	Branigan and Walsh moved and seconded approval of Resolution 09-152, authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from Harrah's Casino and Hotel, One Harrah's Boulevard, for a violation of Iowa Code Section 453A.2(1). Unanimous.
Resolution 09-154	Belt and Bates moved and seconded approval of Resolution 09-154, authorizing the Mayor and City Clerk to execute an agreement with the Iowa Department of Transportation Preconstruction Agreement No. 2009-6-184 Project No. BRF-6-(119)-38-78 for Detour Improvements associated with the West Broadway Viaduct Reconstruction and amend the agreement, making it the responsibility of the IDOT for the upgrade, Pg. 2, #8. Unanimous.

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- Resolution 09-155 Walsh and Belt moved and seconded approval of Resolution 09-155, accepting the work of Hydro-Klean in connection with the Sanitary Sewer Pipe Rehabilitation, FY10-08A and authorizing the Finance Director to issue a City check in the amount of \$2,450.00. Unanimous.
- Resolution 09-156 Branigan and Bates moved and seconded approval of Resolution 09-156, amending the 2008 Annual Plan to reflect the additional Community Development Block Grant (CDBG) Funds appropriated by the American Recovery and Reinvestment Act of 2009 (CDBG-R) Funds in the B-08 Community Development Block Grant (CDBG) Budget and directing the Mayor to submit an Amended 2008 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). Unanimous.
- Resolution 08-281 Bates and Walsh moved and seconded postponement of Resolution 08-281 to January 25, 2010 at 7:00 p.m., granting a preliminary plan approval for a 10-lot commercial subdivision to be known as Southtowne. Heard from Deborah Peterson, Attorney, 215 South Main Street, representing the developer. Belt mentioned there could be added costs to the City regarding the postponement; Walsh added with the economic stress we're experiencing; a policy may need to be set. Schultz considered having staff draft a 12 month development policy. Motion by Schultz, second by Branigan amending the postponement date to September 14, 2009 at 7:00 p.m.; approximately one year from when the project was introduced. Bates indicated a policy needed to be set before one could be enforced. Heard from John Pribyl, 1551 Madison Avenue, regarding new development in Council Bluffs. Unanimous.
- Resolution 09-158 Belt and Bates moved and seconded approval of Resolution 09-158, appointing Bankers Trust Company, N.A. of Des Moines, Iowa, to serve as Paying Agent, Bond Registrar and Transfer Agent, approving the Paying Agent and Bond Registrar and Transfer Agent Agreement and authorizing execution of the agreement. Unanimous.
- Resolution 09-159 Belt and Walsh moved and seconded approval of Resolution 09-159, authorizing and providing for the issuance of \$7,165,000 General Obligation Bonds, Series 2009B (Taxable-Build America Bonds) and levying a tax to pay said bonds. Unanimous.
- MAYOR'S APPOINTMENTS** Belt and Branigan both concurred with the Mayor's Appointment recommendation to the Council Bluffs Airport Authority; Civil Rights Commission; Parks, Recreation and Public Property Commission; Planning Commission and the Zoning Board of Adjustments; Items 6A thru 6E. Unanimous.
- RECEIVE & FILE ITEMS** Belt and Branigan moved and seconded approval of the following Receive and File Items, 7A thru 7E: 7A. Three (3) Notices of Claim; 7B. One (1) Notice of Right of Redemption; 7C. Cash Balance Statement, April 30, 09; 7D. List of Bills, April 30, 09; 7E. Fuller Center for Housing, Resolution of Support. Unanimous.
- APPLICATIONS FOR PERMITS & CANCELLATIONS** Walsh and Branigan moved and seconded approval of Liquor/Beer License Permit Applications regarding Item 8A & 8B: 8A(1). NYX, 144 West Broadway; 8A(2). Red Lobster, 3040 Dial Drive; 8B(1). Tobacco Hut, 3134 Manawa Centre Drive. Unanimous.
- CITIZENS REQUEST TO BE HEARD** Mayor Hanafan mentioned 10,000 Rag Brai licenses have been issued to riders; housing is needed for participants; to volunteer, go online to [www.ragbrai.housing@councilbluffs-ia.gov](mailto:www.ragbrai.housing@councilbluffs-ia.gov) or call Julie at 328-4620. This will be the largest number of people assembled for one event in the metro area; Hanafan also added a huge baseball tournament will be held in Council Bluffs.
- Bob Mundt, Chamber of Commerce President, CEO, shared next weekend the USA World Team Wrestling Trials will be held and the following weekend the first Council Bluffs marathon will take place with 800 runners participating.

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### **ADJOURNMENT**

Schultz and Branigan moved and seconded adjournment at 7:38 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

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Thomas P. Hanafan, Mayor

ATTEST:

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Marcia L. Worden, Acting City Clerk